

United States District Court

for the
Eastern District of Washington

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Michael Darrell Hess

Case Number: 2:02CR00036-001

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 09/23/2002

Type of Supervision: Supervised Release

Original Offense: Distribution of More than 5 Grams
of Cocaine Base, 21 U.S.C. § 841(a)(1)

Date Supervision Commenced: 08/07/2007

Original Sentence: Prison - 87 Months; TSR - 48
Months

Date Supervision Expires: 08/06/2011

PETITIONING THE COURT

To modify the conditions of supervision as follows:

21 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

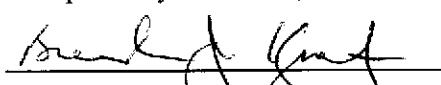
CAUSE

The purpose of this petition is to apprise the Court of the status of the aforementioned case, in light of the Ninth Circuit Court of Appeals' finding in United States v. Stevens (9th Cir. 2005), and to request that the conditions of supervision be modified to authorize a maximum of six random drug and/or alcohol tests per month.

The offender signed the "Waiver of Hearing to Modify Conditions of Supervised Release," and understands the rational behind this modification. Mr. Hess continues to submit to drug testing. To date, all urinalysis specimens provided by Mr. Hess have been negative.

Respectfully submitted,

by



Brenda J. Kuest
U.S. Probation Officer
Date: August 21, 2007

Prob 12B

Re: Hess, Michael Darrell

August 21, 2007

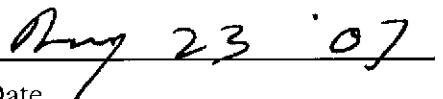
Page 2

THE COURT ORDERS

- No Action
- The Extension of Supervision as Noted Above
- The Modification of Conditions as Noted Above
- Other



Signature of Judicial Officer



Date

PROB 49
(3/89)**United States District Court**EASTERN District OF WASHINGTON**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

As a special condition of supervision, Michael Darrell Hess, shall submit to one drug test within 15 days of release from imprisonment and at least two periodic tests thereafter, not to exceed six tests per month, as directed by the probation officer, pursuant to 18 USC 3583(d).

Witness

ml Oliver

U.S. Probation Officer

Signed

Michael Hess

Probationer or Supervised Releasee

8-7-07

Date